

**EXETER CITY COUNCIL
LICENSING COMMITTEE
14 JUNE 2011**

PROPOSAL TO DESIGNATE STREETS AS PROHIBITED STREETS, LICENCE STREETS AND CONSENT STREETS FOR STREET TRADING

1 PURPOSE OF REPORT

- 1.1 To inform the Licensing Committee of the responses to the notification of an intention to re-designate all streets in Exeter for the purposes of street trading in accordance with the Local Government (Miscellaneous Provisions) Act 1982.

2 BACKGROUND

- 2.1 A report to the Licensing Committee on 29 January 2008 recommended designation and re-designation of certain streets within the City Centre for street trading purposes but leaving the majority of streets un-regulated.
- 2.2 Street trading controls are applied in the following ways:
- Prohibited streets – street trading may not take place on these streets (e.g. the High Street, where street traders would be in direct competition with established traders);
 - Consent streets – where street traders have to apply for a consent to trade for a period of time no longer than a year (e.g. Castle Street), but such consent may be withdrawn by the Council;
 - Licensed streets – where street traders apply for a licence to trade (e.g. the stall holders in Sidwell Street).
- 2.3 The distinction between the two forms of control is that Consent streets are administered by the Licensing Team, whereas licensed stall holders in licensed streets are administered by Estates Services.

3. ADDITIONAL INFORMATION

- 3.1 At the Licensing Committee held on the 15 February 2011 Members resolved to adopt the re-designation of all the streets in Exeter and to advertise the procedure to change the designation as is set down by statute.
- 3.2 The legislation requires a notice to be placed in the local press setting out the intention to make the resolution and allowing a period of at least 28 days before the making of the resolution when representations can be made. In addition to this copies of the notice must be served on the Highways Authority and the local Chief of Police. There is no proposal to change any of the designations of the “prohibited” and “licensed” streets already covered by this legislation.
- 3.3 The Licensing Committee is required to consider any representations which were received in response to the advertisements.
- 3.4 The Highway Authority, Devon County Council has responded stating that they are supportive of the changes to the designation of the streets as advertised.

- 3.5 Two letters, one with a supporting petition, have been received from residents in the vicinity of a trader operating in Cowley Bridge Road. They seek to have Cowley Bridge Road designated as a prohibited street rather than a consent street as is proposed. The letters and petition is attached for information, together with responses from the Head of Environmental Health Services.
- 3.6 The Head of Environmental Health Services has responded to the two respondents informing them that the "consent" proposal is the most effective way of controlling traders that may be causing a nuisance without unduly fettering other legitimate traders, as consents can be removed by this Committee, or restricted, if complaints are received. In addition, any departure from the designations advertised in the notice will require the whole process to be re-started.
- 3.7 In order to complete the process of re-designating the streets the procedure requires two further notices, in two consecutive weeks, to be placed in the local press advertising the coming in to effect of the new designations. The first notice must be published not less than 28 days before the proposed changes come in to effect.
- 3.8 Those traders currently trading in un-controlled streets will need to make application to the Licensing Committee on 26 July 2011, in order to lawfully trade from 1 August, 2011, and all known street traders will be individually notified of such as far as is reasonably practicable.

4. PROPOSAL

- 4.1 The proposal is that subject to consideration of the objections/comments received, all streets for the purposes of street trading be designated according to the notice published.
- 4.2 It is also proposed that the Head of Environmental Health Services is authorised to deal with the migration of all the existing consents on this one occasion; and to allow for those consents to be renewed from the 1 August 2011 to the previously agreed expiry date with no requirement for any additional fees to be levied.

5. RECOMMENDED

- 5.1. It is recommended that:
- 1) it be resolved that with effect from 1 August 2011 all existing street designations shall be rescinded and all streets in the City of Exeter be designated as advertised in the attached notice dated 25 March 2011;
 - 2) delegated powers be granted to the Head of Environmental Health Services to deal with the migration of existing consents; and
 - 3) pre-existing consents be permitted to renew to the previously agreed expiry date without incurring an additional fee.

Schedule
EXETER CITY COUNCIL
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
STREET TRADING

NOTICE IS HEREBY GIVEN THAT:

At the meeting held on the 14 June 2011 the Licensing Committee of Exeter City Council:

“RESOLVED that with effect from 1 August 2011 all existing designations shall be rescinded and the following streets in the City of Exeter shall be designated as follows within the meaning of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982:

“Prohibited Streets”

Alphington Road; Bailey Street; Bampfylde Lane; Bampfylde Street; Barnfield Road (from junction with Southernhay East to junction with Western Way); Bartholomew Street; Bedford Street; Belgrave Road; Blue Boy Lane; Blue Boy Square; Broadgate; Bude Street; Castle Street (northern part between Bailey Street and the Castle); Cathedral Yard and Cathedral Close; Catherine Square; Catherine Street; Chapel Street; Cheeke Street; Commercial Road; Cricklepit Street; Dix’s Field; Eastgate; Egypt Lane; Ewings Lane; Fore Street, Exeter (part); Fore Street Arcade; Gandy Street; George Street; Goldsmith Street; Guinea Street; Heavitree Road; High Street; Kestrel Way; Little Queen Street; Longbrook Street; Lower Coombe Street; Magdalen Street; Martins Lane; Mary Arches Street; Matford Park Road; Moor Lane; Musgrave Row; New Bridge Street; New North Road; North Street; Northernhay Place (between Bailey Street and High Street); Okehampton Street; Okehampton Place; Palace Gate; Paris Street; Paul Street; Pinhoe Road; Princesshay Arcade; Princesshay Lane; Princesshay Square; Red Lion Lane; Roman Walk; Quay Hill; Quay Lane; Queen Street; Sidwell Street (part only); South Street (part only); Southernhay East; Southernhay West; Stephens Bow; Swan Yard; Tabernacle Court; Topsham Road; Verney Street; Waterbeer Street; West Street; Western Way

“Licence Streets”

Fore Street, Exeter (part only on southern side between South Street and Market Street); South Street (part only); Sidwell Street (part only on southern side between Paris Street and Cheeke Street);

“Consent Streets”

All other streets in the City of Exeter.

In Schedule 4 of the Act:

“Consent Street” means of a street in which street trading is prohibited without the consent of the City Council;

“Licence Street” means a street in which street trading is prohibited without a licence granted by the City Council;

“Prohibited Street” means a street in which street trading is prohibited;

“Street” includes:

(a) any road, footpath, beach or other area to which the public have access without payment; and

(b) a service area as defined in Section 329 of the Highways Act 1980, (also includes any part of a street).

“Street Trading” means, subject to certain exceptions contained in Schedule 4, the selling or exposing or offering for sale of any article (including a living thing) in a street.